



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

March 8, 2010

Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Re: Draft Environmental Impact Statement (DEIS) - Use of Contractor-Owned/Operated Facility to House District of Columbia Sentenced Felons and Criminal Aliens, January 2010, CEQ# 20100013

Dear Mr. Cohn:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1509), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Use of Contractor-Owned/Operated Facility to House District of Columbia Sentenced Felons and Criminal Aliens. The proposed action involves awarding a contract to house up to 1,380 federal, low security, adult male, District of Columbia felons and criminal aliens within a contractor-owned/operated facility. Based on our review of the DEIS, EPA has rated the environmental impacts of the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient Information). The basis for this rating is contained in the remainder of this letter. A description of our rating system can be found at: www.epa.gov/compliance/nepa/comments/ratings.html.

The DEIS examines three alternatives for the awarding of the contract. They are: the No-Action Alternative, which awards no contract; the Winton Alternative, which would utilize an existing facility located in Winton, North Carolina; and the Princess Anne Alternative, which would result in the construct a new facility located in Princess Anne, Maryland. A preferred alternative has not been selected. We have rated the Winton Alternative as "LO" (Lack of Objections). The Princess Anne Alternative has been rated "EC-2" (Environmental Concerns, Insufficient Information). The Princess Anne site is currently undeveloped, containing forest and agricultural land uses. Additional details on adverse impacts to aquatic resources, archeological resources, threatened and endangered species are needed to determine the full scale of potential impact.

Project need for action is to reduce prison overcrowding caused by a growth in the overall inmate population over the last thirty years. The purpose and need of the proposed project should be more clearly identified and discussed in more detail. The need for the action should identify and describe the underlying problem or deficiency; and facts and analyses should support



and describe the problem. The analysis should explain why the need for action is at this particular location and at this particular time. The purpose should be defined in relationship to addressing the need for action. While national inmate population trends were given, no D.C. regional specific data were included in support of this particular facility contract. Please include information on the regional inmate population and projected growth (overall and by security level), the number of regional facilities available, and a break down of facilities and space by security level. Information is also needed to show how the specific number of beds, security type, and the facility ownership/operatorship supports the project need. Based on information provided in the DEIS, the purpose and need does not clearly define why a prison is needed, and thus why a contract should be awarded.

An alternatives analysis should describe how each alternative addresses the needs of the proposed action. Without a clear purpose and need statement, analysis of alternatives is difficult. The DEIS states that a national solicitation for contract proposals was completed. Were more than two proposals received? A list of alternatives or contracts received but not included in for consideration in the DEIS, as well as the reason for their exclusion, should be included in the document. Describe other possible alternatives that were not included, for example considering a different ownership/operatorship type, and constructing facilities in other regions.

The DEIS lacks site-specific detail on existing environmental conditions and resources. Information should be provided on aquatic and terrestrial habitat and species; for example, size, function and value of wetlands, stream designations and quality. Effects of added impervious surface should be considered. Though resource avoidance is anticipated, temporary or indirect impacts should be discussed. Please see attached detailed comments.

An indirect and cumulative impact analysis for the proposed action should be conducted and included in the DEIS. Cumulative impacts can result from individually minor, but collectively significant, action taking place over a period of time. The Council on Environmental Quality in 40 CFR 1508.7 defines cumulative impacts as "impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable action." Potential adverse impacts to the environment are not discussed or analyzed cumulatively with other past, present or reasonably foreseeable projects in the area. An assessment of these impacts should be an integral part of the EIS for the proposed action.

Please consider the additional questions and comments included as an attachment to this letter. We would appreciate the opportunity to discuss the comments at your convenience. Thank you for allowing EPA with the opportunity to review and comment on the DEIS for the Federal Bureau of Prisons. If you have questions regarding these comments, the staff contact for this project is Ms. Alaina DeGeorgio; she can be reached at 215-814-2741 or degeorgio.alaina@epa.gov.

Sincerely,



Barbara Rudnick, NEPA Team Leader
Office of Environmental Programs

Attachment

Supporting Detailed Comments

- Explain how the designation of minimum and medium security level institutions as low security institutions impacts other security levels and how it relates to the need for this project.
- An annotated bibliography of several previous studies on the relationship of prisons and housing values dating from 1980-1995. While these studies may provide background, they do not address how housing values are expected to trend based on site specific data, specifically residential areas immediately adjacent to the proposed site.
- Provide documentation of correspondence with contacted local, state and federal officials. Specifically correspondence with Fish and Wildlife Service regarding threatened and endangered species should be included. This documentation should be included in an appendix to the document.
- Appendix C for the Princess Anne site contained an October 9, 2009 letter from Maryland Department of Natural Resources identifying that there was a Wetland of Special State Concern (WSSC) on the site. The DEIS did not include this information. Information should be provided to specifically identify and discuss aquatic resources found on site. If wetlands have special designations, such as WSSC, this information should be clearly stated and potential impacts to these resources should be addressed. Potential secondary impacts, for example from the construction of new infrastructure, to aquatic resources should be included in the document.
- Please provide more information regarding the SCSO reverse osmosis water treatment facility, including current and expected capacity, estimated water use for the Princess Anne facility. Clarify the water treatment plant's dependence on the construction of the prison, as well as if construction on the treatment plant has begun already. Impacts resulting from the treatment facility upgrades should be included in the indirect impact portion of the document.
- It is unclear how the proposed Princess Anne facility will affect traffic conditions. What is the current capacity and level of operation? Will street improvements be necessary to access the site?
- The document indicates that potential air impacts from operations at the Princess Anne site will be avoided by employing energy efficient design and construction techniques. Detail what green design and construction techniques are specifically being incorporated. Are low impact development techniques being used? Is the building going to be LEED certified or use LEED design principles? We recommend use of low impact development techniques (LID) to afford greater protection of aquatic resources on the site. LID is a natural approach to land development and stormwater management designed to reduce impacts on watershed hydrology and aquatic resources. Enhancements to site designs can result in significant reductions in stormwater quantity and quality impacts prior to the development of any structural stormwater practices on a site. For additional and more comprehensive information on LID, please refer to the following website: <http://www.epa.gov/nps/lid/>.



- Provide the distances from the Princess Anne site to nearby sensitive land uses or identify on a map. What is the estimated level of noise at the adjacent mobile home park during construction and operation of the facility?
- If the Winton site is not selected, will the facility continue to operate? Please provide more background into existing operations and the relationship of this facility to the prison system. Is Winton already part of the prison system? If so, how does the selection of this alternative meet the needs of the proposed project by providing additional bed space for the Bureau of Prisons?
- Communities surrounding both proposed location are areas of potential environmental justice concern. Potential impacts associate with the development of the Princess Anne Site should be assessed and clearly defined. Discuss measures that are being taken to mitigate any potential impacts. Include a discussion of public comment or concern, community involvement, or any other activity designed to actively or appropriately involve the potentially impacted populations. Provide documentation to support the statement that short and long term benefits to the surrounding community would occur. What are the unemployment rates for minority and low-income residents of these communities as opposed to the white populations? Is there a disparity in employment? How close are the proposed sites to areas of population, especially for the Princess Anne Site? The document indicates that there is a mobile home park immediately adjacent to the site. Has this population been given adequate consideration?





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

03 JUN 2010

Issac Gaston, Site Selection Specialist
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Re: Final Environmental Impact Statement (FEIS) - Use of Contractor-Owned/Operated Facility to House District of Columbia Sentenced Felons and Criminal Aliens, May 2010, CEQ# 20100013

Dear Mr. Gaston:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1509), the U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Use of Contractor-Owned/Operated Facility to House District of Columbia Sentenced Felons and Criminal Aliens. The FEIS included responses to comments made by EPA on the Draft Environmental Impact Statement (DEIS). EPA rated the environmental impacts of the Winton, North Carolina alternative as "LO" (Lack of Objections) and the Princess Anne, Maryland site as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient Information) in our letter of March 8, 2010.

The FEIS selects the Winton alternative as the Preferred Alternative. EPA has determined that the Federal Bureau of Prisons has adequately addressed its comments within the Final Environmental Impact Statement. EPA appreciates that the environmental concerns, which are shared by BOP, expressed in our comments on the DEIS were taken into account in selecting the Winton, NC site as environmentally preferable.

Thank you for providing EPA with the opportunity to review this project. If you need assistance in the future, the staff contact for this project is Alaina DeGeorgio; she can be reached at 215-814-2741.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara J. Rudnick", is positioned above the typed name.

Barbara J. Rudnick
NEPA Team Leader
Office of Environmental Programs



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

January 24, 2005

Pamela J. Chandler, Chief
Site Section & Environmental Review Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: Proposed Federal Correctional Institution, Southern West Virginia, Draft Environmental Impact Statement, December 2003 CEQ#040562

Dear Ms. Chandler:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), Section 309 of the Clean Air Act and Section 404 of the Clean Water Act, the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced proposal. Based on our review of the DEIS, EPA has rated the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient information). A copy of EPA's ranking system is enclosed for your reference. The basis for these ratings are contained in the remainder of this letter and in the attached detailed comments.

The purpose of this DEIS, as stated in the Introduction, is to provide an analysis of a proposal by the U.S. Department of Justice, Federal Bureau of Prisons (BOP) to develop a new federal correction facility in Southern West Virginia. Due to a significant influx of inmates, BOP has committed resources to identifying, evaluating, and developing sites for new correctional facilities, including construction in KY, VA, NC, and WV. The proposed action under consideration consists of development of a medium-security Federal Correctional Institution (FCI) to house approximately 1,152 adult inmates with a minimum-security satellite prison camp to house approximately 128 adult inmates along with ancillary facilities including administrative structures, a prison industry, a central utility plant, staff training facilities, a firing range, warehouses, a water storage tank, among others. The mission of the proposed facility will be to provide a safe, secure, and humane environment for the care and custody of federal inmates.

The alternatives considered in the DEIS were the no action alternative, alternative locations-Nationwide, alternative locations warranting consideration, and the preferred alternative. BOP determined that the "no action" alternative does not meet the purpose and need for the project.. BOP also determined that other projects, Nationwide, are needed in addition to a FCI in southern WV. BOP looked at four counties in southern WV: Boone, Mingo, McDowell, and Nicholas Counties, WV.



The Boone county site comprises approximately 1,000 acres. It exists largely as undeveloped woodlands. Portions exhibit evidence of past mining activities and current extraction of natural gas. There is also a dirt track used to race motorcycles. According to the U.S. Fish and Wildlife's (USFWS), National Wetland Inventory (NWI) maps, the site is likely to contain wetlands

The Mango county site comprises approximately 550 acres of reclaimed surface mine and forest land. Fifty percent of the site is level from past activities and fifty percent is steeply sloping terrain. .

The Nicholas County site consists of approximately 800 acres and is largely wooded. Timber harvesting and agricultural activities have occurred on portions of the site. Wetlands were identified on NWI maps

The three sites above are all in private ownership.

The McDowell county site is located within the planned Indian Ridge Industrial Park. Approximately 400 acres have been offered to BOP for consideration. The proposed site is adjacent to the Coalfields Expressway and near the King Coal Highway. The devolvement of the Indian Ridge Industrial Park caused extensive environmental impact. This location is in public ownership

General Comments

In general, this DEIS does not provide enough information on any alternative other than the preferred alternative to make an informed decision under NEPA. It doesn't appear that any of the alternatives could be fairly compared to the preferred alternative, and that the preferred alternative is the only viable alternative. BOP could have looked at other disturbed lands in public ownership. In addition, it doesn't appear that the other WV sites were visited to assess the impacts that would be associated with the project. BOP should also clearly explain why an FCI needs to be located in Southern, WV.

Page 3 of the abstract states that implementation of the proposed action at the preferred site should not result in significant adverse impacts as defined by NEPA. It is unclear why an EIS would be conducted if this is the case.

While it appears that the preferred alternative will not have any further adverse environmental impacts, it should be noted that the EPA objected to the impacts associated with the Indian Ridge Industrial Park. Page III-29 of the DEIS states that under a November 2000, U.S. Department of Army Permit, 1.2 miles of headwater streams were filled and under a WV Division of Environmental Protection 401 certification 0.60 acres were filled. BOP should provide documentation to show that the mitigation specified in the 404 permit for the project was completed and should also include monitoring reports.

The secondary and cumulative impacts assessment should look at past, present, and reasonable foreseeable activities and impacts associated with all alternatives. Direct, secondary and cumulative impacts from the prison industry and the central utility plant mentioned on page 1-8 should be discussed and evaluated. The secondary and cumulative impact section should address impacts to environmental resources from any project. This would include habitat, lighting impacts, noise, fragmentation, increased impervious surface, storm water and potential for other services such as hotels for inmates visitors. Even though the exact details aren't known, there is probably a good idea as to what those would entail. More details on mitigation for any impacts should also be provided.

BOP should implement Low Impact Development technologies where feasible, to reduce the impacts associated with the FCI.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215) 814-3330.

Sincerely,

/s/

William Arguto,



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

August 15, 2005

Pamela J. Chandler, Chief
Site Section & Environmental Review Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: Proposed Federal Correctional Institution, Southern West Virginia, Final Environmental Impact Statement, July 2005 CEQ#20050284

Dear Ms. Chandler:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) reviewed the Final Environmental Impact Statement (FEIS) for the Proposed Federal Correctional Institution. Based on our review of the Draft EIS, EPA rated the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient information).

The response to our January 24, 2004 letter, included in the FEIS, adequately addresses our concerns as expressed in our comments to the Draft EIS. We encourage BOP to continue to minimize impacts to the community and environment throughout the remainder of this process and the operation of the facility.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215) 814-3330.

Sincerely,

/S/

William Arguto, NEPA Team Leader
Environmental Programs Branch



